

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALVIN PINTOR,
Individually and on behalf of all
others similarly situated,

Plaintiff,

v.

Case No. 17-cv-865-pp

FALL RIVER GROUP, INC.
d/b/a Fall River Manufacturing Company,

Defendant.

**ORDER GRANTING JOINT MOTION FOR PRELIMINARY APPROVAL OF
CLASS AND COLLECTIVE ACTION SETTLEMENT (DKT. NO. 18) AND
APPROVING STIPULATION TO CERTIFY THE RULE 23 CLASS AND THE
COLLECTIVE CLASS ACTION (DKT. NO. 19).**

On May 25, 2018, the parties filed a joint motion for preliminary approval of class and collective action settlement. Dkt. No. 18. The parties attached their settlement agreement, dkt. no. 18-1, and submitted a brief explaining why they believe the settlement is fair, reasonable, and adequate, dkt. no. 20. The parties also applied the Rule 23(a) and (b) standards to the proposed Rule 23 class of all hourly employees who worked for the defendant between July of 2015 and December of 2016 (identified in exhibit A to the settlement agreement). Dkt. Nos. 19, 18-2.

The court **FINDS** that the settlement agreement (dkt. no. 18-1) is fair, reasonable and adequate, **GRANTS** the joint motion for preliminary approval of class and collective action settlement (dkt. no. 18), and **APPROVES** the parties'

joint stipulation to certify a collective action under 29 U.S.C. §216(b) and to certify a class action under Fed. R. Civ. P. 23 (dkt. no. 19).

The court **APPOINTS** Alvin Pintor as class representative of the Fed. R. Civ. P. 23 Class and the 29 U.S.C. §219(b) Collective Class.

The court **APPOINTS** Hawks Quindel, S.C. as class counsel for the certified Fed. R. Civ. P. 23 Class and the 29 U.S.C. §219(b) Collective Class.

The court **FINDS** that the parties' Notice of Class Action Settlement (dkt. no. 18-3) is the best notice practicable under the circumstances for distribution to all putative members of the Rule 23 Class and the Collective Class. The court **FINDS** that the parties' Notice of Class Action Settlement constitutes valid, due, and sufficient notice for distribution to the Rule 23 Class and Collective Class Members and **ORDERS** that:

1. Defense counsel shall produce a class list to Class Counsel as a Microsoft Excel spreadsheet including each putative Class Member's name, street address, city, state, zip code, and phone number (with each piece of data as a separate column) within seven (7) days of the date of this order;
2. Class Counsel shall mail the notice within seven days of defense counsel providing a class list as set forth in Section 1 above;
3. Putative Collective Class members may file a consent form **within thirty days** of the notice's mailing;

4. Any individual who wishes to exclude himself or herself from the Rule 23 Class must opt out, per the instruction in the Notice of the Class Action Settlement, within **thirty days** of the mailing of that notice;
5. Any individual who does not exclude himself or herself from the Rule 23 settlement shall be bound by any court order granting final approval to the settlement;
6. Any Rule 23 Class member who wishes to object in any way to the proposed settlement agreement must file and serve those objections in writing—following the instructions in the Notice of Class Action Settlement—together with copies of all papers in support of his or her position, no later than **thirty days** after the mailing of the Notice of Class Action Settlement;
7. The court had originally scheduled a fairness hearing for August 1, 2018. Due to a conflict in the court's calendar, the court **RE-SCHEDULES** that fairness hearing to **September 18, 2018 at 2:30 p.m.** The court will hear the objections of any Rule 23 Class Member who validly objected to the settlement agreement as provided in the notice, and to make its determinations as to the final approval of the settlement and the amounts paid to class counsel as attorneys' fees and costs; and
8. Class counsel shall file a motion for approval of attorneys' fees on or before a date at least **twenty-one days** prior to the fairness hearing. Any supplemental brief in support of final approval of the settlement

agreement or in response to any objections to the application for attorney's fees shall be filed at least seven days prior to the fairness hearing.

Dated in Milwaukee, Wisconsin this 11th day of July, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "PAMPELA PEPPER", is written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge